

## **Chesapeake Bay Exception CBE-11-041: 2705 Jockey's Neck Trail, Vineyards**

Staff report for the November 10, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant: Fred and Suzanne Harsemma

Land Owner: Fred and Suzanne Harsemma  
2705 Jockey's Neck Trail  
Williamsburg, VA 23185

Location: 2705 Jockey's Neck Trail  
PIN: 4840200010

Parcel Size/Zoning: 0.99 +/- acres, R1 Limited Residential

Percent of Parcel in RPA: 83% (0.82 +/- acres)

Watershed: College Creek (HUC - JL34)

### **Proposed Impacts**

Impervious Area: approximately 950 square feet

RPA Encroachment: landward and seaward 50 foot RPA Buffer

### **Brief Summary and Description of Activities**

Mr. and Mrs. Harsemma have applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a paver patio and walkway to existing driveway. Concurrently with this application, the Harsemma's are applying for an administrative exception for a buffer modification and for expansion of the main structure.

The issue for the Chesapeake Bay Board is the addition of approximately 950 square feet of impervious cover (paver patio and walkway) in the RPA buffer. The mitigation rate would be three (3) units for this amount of impervious cover (3 canopy/6 understory/9 shrubs). The proposed mitigation plan calls out 3 understory trees (red bud) and 38 shrubs (18 inkberry and 20 clethra). The mitigation plan also calls out several areas of bunch grasses, ferns, and perennials. This proposed planting plan exceeds County requirements for mitigation.

The lot was recorded after the 1990 adoption of the Chesapeake Bay Preservation Ordinance but prior to the Ordinance revisions of 2004. In this case, the exception request is for the addition of a paver patio and walkway which will encroach into the 50' RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing.

Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

### **Staff Recommendation**

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures exceed requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and three gallon pots for the proposed shrubs.
3. A pre-construction meeting shall be held on-site prior to work commencing.
4. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney. Surety in this case shall be \$1,000.00.
5. This exception request approval shall become null and void if construction has not been completed by November 10, 2011 including the required mitigation plantings.
6. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

### **Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-041 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-041 are included for the Board's use and decision.

Staff Report prepared by:

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Michael D. Woolson  
Senior Watershed Planner

CONCUR:

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Scott J. Thomas  
Secretary to the Board

Attachments: Sensitive Area Activity Application  
GIS photo  
Planting plan  
Existing condition photos